



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

March 19, 2015

Deborah S. Hunt, Esquire
Clerk, United States Court of
Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

Re: *NLRB v. United States Postal Service*,
Board Case No. 07-CA-135950

Dear Ms. Hunt:

I am enclosing an application of the National Labor Relations Board for enforcement of its order in this case, and a proposed judgment. Respondent expressly consented to the entry of this judgment in a stipulation contained in the record. I am also enclosing the certified record.

Please serve a copy of the application on Respondent, whose address appears on the service list. I have served a copy of the Board's application and proposed judgment on each party admitted to participate in the Board proceedings, and their names and addresses also appear on the service list.

I am counsel of record for the Board, and all correspondence should be addressed to me. I would appreciate your furnishing the Board's Regional Director, whose name and address also appear on the service list, with a copy of all correspondence the Court sends to counsel in this case, and a certified copy of the judgment issued.

Very truly yours,

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1099 14th Street, N.W.
Washington, D.C. 20570
(202) 273-2960

cc & documents to: Service List

SERVICE LIST

RESPONDENT:

David Wyatt, Postmaster
United States Postal Service
1121 Miller Road
Kalamazoo, MI 49001

Tel: (269) 388-7200

Fax: (269) 388-7201

RESPONDENT'S COUNSEL:

Roderick D. Eves, Esq.
United States Postal Service
(Law Department - NLRB Unit)
1720 Market St., Rm. 2400
Saint Louis, MO 63155-9948

Tel: (314) 345-5864

Fax: (314) 345-5893

Email: uspsnlrb@usps.gov

CHARGING PARTY:

Linda Sarratt, President
Southwest Michigan Area Local 143,
American Postal Workers Union
(APWU), AFL-CIO
2979 S. 9th St.
Kalamazoo, MI 49009

Tel: (269) 353-5625

Email: (269) 353-1889

REGIONAL DIRECTOR:

Terry A. Morgan, Regional Director
National Labor Relations Board
477 Michigan Avenue – Room 300
Detroit, MI 48226-2569

ADDITIONAL SERVICE:

Michael J. Elston
Office of the General Counsel
United States Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-1149

Tel: (202) 268-7432

Email: michael.j.elston@usps.gov

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	07-CA-135950
	:	
Respondent	:	

APPLICATION FOR ENFORCEMENT OF AN ORDER
OF THE NATIONAL LABOR RELATIONS BOARD
UPON STIPULATION OF THE PARTIES FOR CONSENT JUDGMENT

To the Honorable, the Judges of the United States
Court of Appeals for the Sixth Circuit:

The National Labor Relations Board (the “Board”), pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. §§ 151, 160(e)), applies to this Court for enforcement of its order against United States Postal Service (“Respondent”), issued in Board Case No. 07-CA-135950, on March 16, 2015. The Board is entitled to enforcement because Respondent has expressly consented to entry of this judgment in a stipulation that Respondent entered into during the proceedings before the Board. In support, the Board shows:

A. Jurisdiction of this Court

This Court has jurisdiction over this application under Section 10(e) of the Act (29 U.S.C. § 160(e)). Venue is proper in this Circuit because the activities

giving rise to this proceeding occurred in Michigan. The Board's final order issued on March 16, 2015.

**B. The Respondent Entered into a Stipulation
Providing for Entry of an Order by the
Board and a Consent Judgment by the Court**

1. The Board entered an order against Respondent pursuant to a stipulation authorizing the Board to enter an order embodying its terms. The Board's order does not vary from those terms.

2. Paragraph VII of the stipulation authorized the Board to apply to an appropriate U.S. Court of Appeals for a judgment enforcing the Board's order, and provided that Respondent "waives all defenses to the entry of the judgment"

3. In support of this application, the Board is certifying and filing with this Court the record of proceedings before the Board, including the pleadings, stipulation, findings of fact, and order of the Board.

WHEREFORE, the Board respectfully requests that the Court, after serving a copy of this application upon Respondent, enter a consent judgment enforcing the Board's order in full. A copy of the proposed consent judgment is attached.

Dated in Washington, D.C.
this 19th day of March, 2015

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

UNITED STATES COURT OF APPEALS
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JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, United States Postal Service, its officers, agents, successors, and assigns, on March 16, 2015, in Board Case No. 07-CA-135950; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Sixth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

ENTERED BY ORDER OF THE COURT

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

ORDER

United States Postal Service, Kalamazoo, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Unreasonably delaying in furnishing the Union with relevant requested information, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.
 - (b) Unreasonably delaying in furnishing the Union with relevant requested information, or in any other manner refusing to bargain collectively and in good faith with the Union as the servicing agent of the exclusive collective-bargaining representative of the Unit or any other labor organization at its Kalamazoo, Michigan facilities as listed below in paragraph 2(b).
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative for employees in the Unit employed at the Respondent's Kalamazoo, Michigan area facilities, as described below in subparagraph (b).
 - (b) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the following facilities:

Kalamazoo Arcadia Branch	310 East Michigan Ave, Kalamazoo
Kalamazoo P.O.	1121 Miller Rd, Kalamazoo
Kalamazoo Parchment Branch	839 Commerce Lane, Kalamazoo
Kalamazoo Westwood Branch	167 North Drake Rd, Kalamazoo
Oshtemo	3885 South 9th St, Kalamazoo

Copies of the notice, on forms provided by the Region Seven, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and /or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

- (c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain collectively and in good faith with Southwest Michigan Area Local 143, American Postal Workers Union (APWU), AFL-CIO (the Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate Unit at our Kalamazoo, Michigan facilities:

All employees in the bargaining Unit for which the American Postal Workers Union, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, Section 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

WE WILL NOT unreasonably delay providing necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of

representative of our employees in the Unit or any other labor organization at our Kalamazoo, Michigan facilities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL NOT in any other manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Kalamazoo, Michigan facilities.

WE WILL, upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Kalamazoo, Michigan facilities.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/07-CA-135950 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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CERTIFICATE OF THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case No. 07-CA-135950.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
03/16/2015	Decision and Order, <i>United States Postal Service and Southwest Michigan Area Local 143, American Postal Workers Union, AFL-CIO</i> , Case No. 07-CA-135950	5
01/07/2015	Formal Settlement Stipulation, <i>United States Postal Service and Southwest Michigan Area Local 143, American Postal Workers Union, AFL-CIO</i> , Case No. 07-CA-135950 w/exhibits	20

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor Relations Board, being duly authorized, has hereunto set his hand and affixed the

seal of the National Labor Relations Board in the city of Washington, District of
Columbia, this 19th day of March, 2015.

/s/ Gary Shinnors
Gary Shinnors
Executive Secretary
NATIONAL LABOR RELATIONS BOARD

(seal)

UNITED STATES COURT OF APPEALS
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CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's application for enforcement, proposed judgment, appearance of counsel forms, and certificate of record, in the above case, has this day been served by first class mail upon the following parties at the addresses listed below:

David Wyatt, Postmaster
United States Postal Service
1121 Miller Road
Kalamazoo, MI 49001

Roderick D. Eves, Esq.
United States Postal Service
(Law Department - NLRB Unit)
1720 Market St., Rm. 2400
Saint Louis, MO 63155-9948

/s/ Linda Dreeben

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Dated in Washington, D.C.
this 19th day of March, 2015

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

ITEMS SHOWN ON BOARD'S CERTIFICATE
OF RECORD ARE CONTAINED HEREIN